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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

FOURTH AGE LTD., *et al.*

Plaintiffs.

V.

WARNER BROS. DIGITAL
DISTRIBUTION, *et al.*

Defendants.

Case No. 12-9912-ABC (SHx)

DISCOVERY MATTER

**SUPPLEMENTAL
MEMORANDUM IN SUPPORT
OF WARNER'S OPPOSITION
TO TOLKIEN/HC PARTIES'
MOTION FOR A PROTECTIVE
ORDER RE: PRISCILLA
TOLKIEN TRANSCRIPT**

Judge: Hon. Audrey B. Collins

Magistrate: Hon. Stephen J. Hillman

Hearing Date: June 30, 2014

Hearing Time: 2:00 p.m.

Discovery Cut-Off: July 29, 2014

WARNER BROS. DIGITAL
DISTRIBUTION INC., *et al.*

Counterclaim Plaintiffs,

V.

FOURTH AGE LTD., *et al.*

Counterclaim Defendants.

The Court need only examine the redactions the Tolkien/HC Parties made to the Joint Stipulation to determine just how improper and unsupportable the Tolkien/HC Parties' proposed confidentiality designations to Priscilla Tolkien's deposition transcript are. The redactions underscore the Tolkien/HC Parties' abuse of the confidentiality designation and illustrate why the Tolkien/HC Parties' Motion for a Protective Order should be denied.

All of the redactions are inappropriate. For example, the first redaction does not even address Ms. Tolkien’s testimony, but rather a conclusion that Warner drew from the named plaintiff’s lack of information about the lawsuit. *See* Joint Stip. at 4:23-24. The remaining redactions are also not applied to confidential, privileged, or private information. *See, e.g., id.* at 18:26-28. The Tolkien/HC Parties’ position on confidentiality prevents Warner from addressing the redactions with any greater specificity, or else Warner would be forced to file this Supplemental Memorandum under seal. Warner, however, encourages the Court to review the redacted material to gain an understanding of the untenable position that the Tolkien/HC Parties are taking with respect to Ms. Tolkien’s deposition.

For these reasons and the reasons set forth in Warner's portion of the Joint Stipulation, Warner respectfully asks this Court to enforce the terms of the parties' protective order, which only permits specific information to be designated as confidential, and deny the Tolkien/HC Parties' Motion for a Protective Order.

Dated: June 16, 2014

Respectfully Submitted,

O'MELVENY & MYERS LLP

By:

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Attorneys for the Warner Parties